

**Arizona Supreme Court**  
**Civil Petition for Review - Appeal**

**CV-16-0052-PR**

**THOMAS HORNE/KATHLEEN WINN v SHEILA POLK**

**Appellate Case Information**

Case Filed: 3-Mar-2016  
Case Closed:

**Dept/Composition**

**Side 1. THOMAS HORNE, individually and THOMAS HORNE, for Attorney General Committee (SOS Filer ID 2010 00003); KATHLEEN WINN, individually, and Business Leaders for Arizona (SOS Filer ID 2010 00375), Plaintiff/Appellant**

**(Litigant Group) THOMAS HORNE, individually and THOMAS HORNE, for Attorney General Committee (SOS Filer ID 2010 00003)**

- Thomas C Horne  
AZ Bar No. 2951  
[Current Member]  
Admitted 4/22/72

**Attorneys for: Appellant Horne**

Dennis I Wilenchik, Esq. (AZ Bar No. 5350)

- Thomas Horne, for Attorney General Committee

**(Litigant Group) KATHLEEN WINN, individually, and Business Leaders for Arizona (SOS Filer ID 2010 00375)**

- Kathleen Winn
- Business Leaders for Arizona

**Attorneys for: Appellant Winn**

Timothy A LaSota, Esq. (AZ Bar No. 20539)

**(Litigant Group) ARIZONA SOLICITOR GENERAL**

- The Arizona Solicitor General, Amicus Curiae

**Attorneys for: Amicus Curiae**

John R Lopez, IV, Esq. (AZ Bar No. 19182)  
Dominic Emil Draye, Esq. (AZ Bar No. 33012)  
Jennifer M Perkins, Esq. (AZ Bar No. 23087)

**Side 2. SHEILA SULLIVAN POLK, Yavapai County Attorney, Defendant/Appellee**

**(Litigant Group) SHEILA SULLIVAN POLK, Yavapai County Attorney**

- Sheila Sullivan Polk, Yavapai County Attorney's Office

**Attorneys for: Appellee Polk**

Sheila Sullivan Polk, Esq. (AZ Bar No. 7514)  
Benjamin D Kreutzberg, Esq. (AZ Bar No. 27984)

**Side 3. INSTITUTE FOR JUSTICE, Amicus Curiae**

**(Litigant Group) INSTITUTE FOR JUSTICE**

- Institute for Justice

**Attorneys for: Amicus Curiae**

Paul V Avelar, Esq. (AZ Bar No. 23078)  
Timothy D Keller, Esq. (AZ Bar No. 19844)  
Keith Everett Diggs, Esq. (AZ Bar No. 32692)

**CASE STATUS**

Dec 13, 2016....At Issue

Dec 13, 2016....Oral Argument Granted

Mar 3, 2016.....Pending

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
1 CA 1 CA-CV 14-0837					
↗ MAR LC2014-000255-001	Judicial Review of Administrative Decision		Crane McClennen, Authoring Judge of Order Comments: (none)		

**33 PROCEEDING ENTRIES**

1. 3-Mar-2016 FILED: Petition for Review; Certificate of Service; Certificate of Compliance; Memo Dec (Appellants Horne/Winn)
2. 8-Mar-2016 RECEIPT No.: ASC2016-00192 ; \$280.00, Authorization: 67021097077, Applied to: THOMAS HORNE, individually and THOMAS HORNE, for A - Overpayment Class A (\$280.00) Paid for: THOMAS HORNE, individually and THOMAS HORNE, for Attorney General Committee (SOS Filer ID 2010 00003)  
- By Intresys Inc (Memo: FormSet No. 1725071)
3. 10-Mar-2016 FILED: Record from CofA: Electronic Record

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4. 14-Mar-2016 VOID RECEIPT No.: ASC2016-00192 - \$-280.00, Authorization: 67021097077, - Applied to: THOMAS HORNE, individually and THOMAS HORNE, for A - Overpayment Class A (\$-280.00) Paid for: THOMAS HORNE, individually and THOMAS HORNE, for Attorney General Committee (SOS Filer ID 2010 00003)  
- By: Intresys Inc (Memo: FormSet No. 1725071) VOID Reason: 3/14/16 - Party is filing individually and should be charged so an overpayment is the wrong category. kg
5. 14-Mar-2016 RECEIPT No.: ASC2016-00223 ; \$280.00, Authorization: 67021097077, Applied to: THOMAS HORNE, individually and THOMAS HORNE, for A - Class A Filing Fee (\$280.00) Paid for: THOMAS HORNE, individually and THOMAS HORNE, for Attorney General Committee (SOS Filer ID 2010 00003)  
- By Intresys Inc (Memo: Replaces Voided Receipt ASC2016-00192)
6. 4-Apr-2016 FILED: Response to Petition for Review; Certificate of Service; Certificate of Compliance (Appellee Polk)
7. 5-Apr-2016 FILED: Certification of Service; (Duplicate) Certification of Service (Appellants Horne/Winn)
8. 6-Apr-2016 FILED: Amended Request for Attorney's Fees; Certificate of Service (Appellants Horne/Winn)
9. 6-Apr-2016 FILED: Appellants Motion Pursuant to Rule 24(f)(4) for Leave to File Reply Brief; Certificate of Service; Reply in Support of Petition for Review (Appellants Horne/Winn)
10. 7-Apr-2016 An "Appellants Motion Pursuant to Rule 24(f)(4) for Leave to File Reply Brief" (Appellants Horne/Winn) having been filed on April 6, 2016. After consideration,  
  
IT IS ORDERED granting the motion. The "Reply in Support of Petition for Review" shall be filed as of April 6, 2016. (Hon. Clint Bolick)
11. 8-Apr-2016 FILED: Response to Motion for Leave to File Reply Brief; Certificate of Service (Appellee Polk)
12. 8-Apr-2016 FILED: Objection to Amended Request for Attorneys' Fees; Certificate of Service (Appellee Polk)
13. 21-Apr-2016 FILED: Brief Amicus Curiae of the Institute for Justice in Support of Petition for Review; Certificate of Service; Certificate of Compliance (Amicus Curiae Institute for Justice)
14. 21-Apr-2016 FILED: Motion for Leave to File Amicus Curiae Brief on Behalf of the Institute for Justice in Support of Petition for Review (Amicus Curiae Institute for Justice)
15. 22-Apr-2016 A "Motion for Leave to File Amicus Curiae Brief on Behalf of the Institute for Justice in Support of Petition for Review" (Amicus Curiae Institute for Justice) and the Brief of Amicus Curiae were filed on April 21, 2016.  
  
IT IS ORDERED granting the "Motion for Leave to File Amicus Curiae Brief on Behalf of the Institute for Justice in Support of Petition for Review." The brief shall be filed as of April 21, 2016. (Janet Johnson, Clerk)
16. 28-Apr-2016 FILED: Motion to File Two Page Supplemental Brief Pursuant to Rule 23(k)(4); Certificate of Service; Supplemental Brief (Appellants Horne/Winn)
17. 28-Apr-2016 FILED: (Duplicate) Supplemental Brief; Certification of Service; Certificate of Compliance (Appellants Horne/Winn)
18. 29-Apr-2016 A "Motion to File Two Page Supplemental Brief Pursuant to Rule 23(k)(4)" (Appellants Horne/Winn) having been filed on April 28, 2016. Upon consideration,  
  
IT IS ORDERED denying the "Motion to File Two Page Supplemental Brief Pursuant to Rule 23(k)(4)." (Hon. Clint Bolick)
19. 13-Jun-2016 FILED: Notice of Citation of Supplemental Authority; Certificate of Service (Appellants Horne/Winn)
20. 13-Jul-2016 ORDERED: Petition for Review = CONTINUED.  
  
FURTHER ORDERED: Amended Request for Attorneys' Fees (Appellants Horne/Winn) = CONTINUED.  
  
Justice Timmer did not participate in the determination of this matter.
21. 30-Aug-2016 ORDERED: Petition for Review = CONTINUED.  
  
FURTHER ORDERED: Amended Request for Attorneys' Fees (Appellants Horne/Winn) = CONTINUED.  
  
Justice Timmer did not participate in the determination of this matter.

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22. 20-Sep-2016 ORDERED: Petition for Review = CONTINUED.
- FURTHER ORDERED: Amended Request for Attorneys' Fees (Appellants Horne/Winn) = CONTINUED.
- Justice Timmer did not participate in the determination of this matter.
23. 18-Oct-2016 ORDERED: Petition for Review = CONTINUED.
- FURTHER ORDERED: Amended Request for Attorneys' Fees (Appellants Horne/Winn) = CONTINUED.
- Formal Order to Follow.
- Justice Timmer did not participate in the determination of this matter.
24. 18-Oct-2016 A petition for review having been filed and now pending with the Court in this case,
- IT IS ORDERED: The Arizona Attorney General's Office is invited to submit its views on whether the Court should grant review on the issue raised in the petition for review, and whether Williams v. Pennsylvania, 136 S. Ct. 1899 (2016), has any impact on that issue.
- IT IS FURTHER ORDERED: Any brief by the Attorney General's Office, as well as any amicus briefs, shall be filed by no later than November 15, 2016. Any response to any such briefs shall be filed by no later than November 30, 2016. (Hon. John Pelander)
25. 15-Nov-2016 ORDERED: Petition for Review = CONTINUED.
- FURTHER ORDERED: Amended Request for Attorneys' Fees (Appellants Horne/Winn) = CONTINUED.
- Justice Timmer did not participate in the determination of this matter.
26. 15-Nov-2016 FILED: Motion for Leave to File Supplemental Brief of Amicus Curiae Institute for Justice in Support of Petition for Review; Certificate of Service (Amicus Curiae Institute for Justice)
27. 15-Nov-2016 FILED: Supplemental Brief of Amicus Curiae Institute for Justice in Support of Petition for Review; Certificate of Service; Certificate of Compliance (Amicus Curiae Institute for Justice)
28. 15-Nov-2016 FILED: Brief of Amicus Curiae the Arizona Solicitor General in Support of Petitioner; Certificate of Service; Certificate of Compliance (Amicus Curiae Arizona Solicitor General)
29. 15-Nov-2016 FILED: (Copy of) Arizona Supreme Court Order (Filed 10/18/16) (Amicus Curiae Arizona Solicitor General)
30. 16-Nov-2016 A "Motion for Leave to File Supplemental Brief of Amicus Curiae Institute for Justice in Support of Petition for Review" and the Supplemental Brief of Amicus Curiae were filed on November 15, 2016.
- IT IS ORDERED granting the "Motion for Leave to File Supplemental Brief of Amicus Curiae Institute for Justice in Support of Petition for Review." The brief shall be filed as of November 15, 2016. (Hon. Clint Bolick)
31. 30-Nov-2016 FILED: Appellee's Response to Briefs of Amici Curiae; Certificate of Service; Certificate of Compliance (Appellee Polk)
32. 30-Nov-2016 FILED: Petitioner's Response to Amicus; Certificate of Service; Certificate of Compliance (Appellants Horne/Winn)
33. 13-Dec-2016 ORDERED: Petition for Review = GRANTED.
- FURTHER ORDERED: The case shall be set for oral argument.
- FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, on or before January 13, 2017.
- FURTHER ORDERED: Amended Request for Attorneys' Fees (Appellants Horne/Winn) = CONTINUED.
- Justice Timmer did not participate in the determination of this matter.